S.B. CIVIL WRIT PETITION NO. 1101/2006.
(KANHAIYA LAL RAWAL VS. STATE & ORS.)

DATE OF ORDER : 13.11.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Girish Sankhala for the petitioner/s.
Mr. Shyam Ladrecha, AGA, for the respondents.

The petitioner while holding the post of Teacher Grade-II stood retired from service on 31.12.2002 on achieving the age of superannuation. At the time of retirement, the petitioner was facing certain disciplinary proceedings, therefore, the respondents did not release post retiral benefits in favour of the petitioner. The respondents even not allowed the provisional pension to the petitioner that was ultimately sanctioned on 24.08.2004.

The grievance of the petitioner is that the respondents allowed regular pensionary benefits and other post retiral benefits on 09.03.2005 i.e. after a lapse of about 2 years 2 months and 9 days from the date of retirement and for such delayed payment of pensionary benefits, the petitioner is entitled for interest.

In reply to the writ petition, it is stated by the respondents that the post retiral benefits were not given to the

petitioner as he was facing disciplinary proceedings that reached at conclusion on 25.08.2004 and after completion of those proceedings, the pension case of the petitioner was decided expeditiously and whatever amount for which the petitioner is entitled, was paid to him on 09.03.2005.

Heard counsel for the parties.

The respondents denied post retiral benefits to the petitioner including pension and gratuity on the count that the petitioner was facing disciplinary proceedings at the time of retirement. The disciplinary proceedings came to be concluded on 12.08.2004. During the entire period i.e. from the date of retirement till the completion of disciplinary proceedings, the petitioner was not paid even provisional pension though certain representations were made by him. I do not find any just and valid reason for not making payment of even provisional pension after retirement of the petitioner. It is not the case of the respondents that the petitioner was solely responsible for causing delay in completion of enquiry. The retiral benefits are earned property of the petitioner and that was kept out of his reach by the respondents for a substantial period without any fault on his part, therefore, he is certainly entitled for interest on delayed payment of the entire pensionary benefits including gratuity.

Looking to all the facts and circumstances of the case, this petition for writ is allowed with a direction for respondents to allow interest upon the delayed payment of the pensionary benefits and other post retiral benefits to the petitioner @ 8% per annum. The interest as ordered should be paid to the petitioner within a period of three months from today.

(GOVIND MATHUR)J.

Anil/